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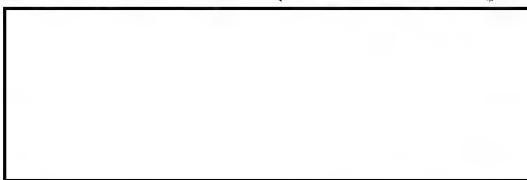
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MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Proposed Executive Order to Authorize CIA to Communicate for Intelligence Purposes in Accordance with the Provisions of the Atomic Energy Act of 1954, As Amended.

1. This memorandum contains a recommendation for action by the Director of Central Intelligence. Such recommendation is contained in paragraph 4.
2. Public Law 85-479 contained an amendment to section 144d of the Atomic Energy Act of 1954 providing that "the President may authorize any agency of the United States to communicate in accordance with the terms and conditions of an agreement for cooperation arranged pursuant to subsections 144a, b, and c such Restricted Data as is determined to be transmissible under the agreement for cooperation involved." The inclusion of this language in the law was a direct result of the efforts of this Agency to obtain a provision which would specifically authorize this Agency to disseminate such Restricted Data for intelligence purposes. In working with the Atomic Energy Commission and the Department of Defense for an appropriate provision, the Agency agreed to the general language contained in the law as enacted. The President signed the legislation on 2 July 1958.
3. On 15 September 1958, while the Agency was in the process of preparing an appropriate Executive Order authorizing the Agency to communicate Restricted Data for intelligence purposes, the Bureau of the Budget forwarded a joint Atomic Energy Commission - Department of Defense proposal for our comment. This proposed Executive Order did not include an authorization for communication of Restricted Data for intelligence purposes. However in view of the submission of the Atomic Energy Commission - Department of Defense proposal, it was determined an attempt should be made to obtain authorization through an amendment to that proposal rather than through the submission of a separate Executive Order. Accordingly, on September 19, 1958, General Cabell signed a letter to the Bureau of the Budget suggesting changes to include the Central Intelligence Agency requirements. The State Department also suggested changes in the Atomic Energy Commission - Department of Defense draft. The Atomic Energy Commission and the Department of Defense objected to the Central Intelligence Agency and State Department recommendations. On final review the Bureau of the Budget determined that the delegation of authority requested by this Agency not be included in that Order.

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4. Since that time, Mr. Houston and I have been working with Atomic Energy Commission, Department of Defense and Bureau of the Budget representatives in an effort to reach an agreement on the language of an appropriate Executive Order. The attached draft Order has resulted from those negotiations.

5. The attached proposed Executive Order has two major changes from one prepared and forwarded informally to us by representatives of the Atomic Energy Commission. First, there has been deleted a requirement that each communication made in accordance with agreements under the Act be specifically approved by the Atomic Energy Commission and the Department of Defense. Second, the requirement has been removed that each recipient of a communication be approved by the Atomic Energy Commission and the Department of Defense. Both of these items are unacceptable for the reason that they constitute additional procedural requirements and are inconsistent with existing exchange agreements relating to transfer of military and other Restricted Data. We do not feel that further negotiation will provide agreement on these points.

6. Although I have no guarantee that the Atomic Energy Commission and the Department of Defense will formally accept the proposal, we have the informal recommendation of the General Counsel, Bureau of the Budget to forward our request for the separate Executive Order to the Bureau so that the remaining issues might be resolved expeditiously.

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7. I recommend that you sign the attached letter forwarding the proposed Executive Order "Authorization for the Communication of Restricted Data by the Central Intelligence Agency."

John S. Warner
Legislative Counsel

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OGC/LC:JGO:mmw (3 November 1959)

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